

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YOEL WEISSHAUS,

Plaintiff,

11 Civ. 6616 (RKE)

-against-

ORDER

PORT AUTHORITY OF NEW YORK
AND NEW JERSEY,

Defendant.

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ORDER

The Court has received Plaintiff's motion for discovery sanctions under Federal Rule of Civil Procedure 37(c)(1). ECF No. 163. By his motion, Plaintiff asks the Court to strike Elizabeth McCarthy's affidavit from the record, ECF No. 154, and preclude the Port Authority from relying on any testimony from Ms. McCarthy on the grounds that the Port Authority failed to properly identify Ms. McCarthy as a witness under either Federal Rule of Civil Procedure 26(a)(1) or (a)(2). *See* ECF No. 163-1.

Plaintiff has failed, however, to comply with this Court's Local Civil Rule 37.2 which provides the procedures for raising discovery disputes with the Court. This rule states:

No motion under Rules 26 through 37 inclusive of the Federal Rules of Civil Procedure shall be heard *unless counsel for the moving party has first requested an informal conference with the Court by letter-motion for a pre-motion discovery conference* (subject to the instructions regarding ECF published on the Court's website and the Judge's Individual Practices) and such request has either been denied or the discovery dispute has not been resolved as a consequence of such a conference.

Local Civil Rule 37.2 (emphasis added).

Thus, the Court will not consider Plaintiff's Rule 37(c)(1) motion at this time because he did not first request an informal pre-motion conference with the Court by way of letter-motion.

Accordingly, it is hereby

ORDERED that Plaintiff's motion is denied, without prejudice.

/s/ Richard K. Eaton

Richard K. Eaton
U.S.D.J., by Designation

Dated: September 16, 2022
New York, New York